

Friday Morning, February 7, 1873.

Are We to Have No Court?

As our readers know, upon the assembling of the court, last Monday, it was discovered that through some mistake, the jury had been drawn at a time earlier than that prescribed by law. Counsel for Robert Cooper, a defendant in action before the court, moved that the panel be set aside, upon the ground that it was not a lawful jury. The question was argued Tuesday, the same counsel maintaining that the provision of law, prescribing a definite time for choosing the jury, was mandatory, and that its exact enforcement was necessary to the legality of the jury. It was argued, on the other side, that this direction concerning time was not essential, that it was directory merely, as is the case with all provisions which concern time, place and form. The jury was a good one, and no man's rights were likely to be put in jeopardy by it. On Wednesday morning, Judge Carpenter announced his decision that the objection was a good one, and adjourned the court for the term—it being impossible to empanel any jury at all under the law as it stands. So this accident is held not only to invalidate the jury which has been chosen, but it makes the jury law itself inoperative for the time being, and temporarily dispenses with a court of justice.

Now this is an unfortunate circumstance, and has an ugly look. The citizen who appeals for justice, the accused who is kept in the pains of suspense until his case is heard, find the doors of the temple of justice shut in their faces. It is practically a denial of one of the most important rights of man, coming down to us, we believe, from the Bill of Rights, or Magna Charta itself—that of a speedy trial. The accumulations of wrong done, the criminal accretions of injustice and encroachments upon law and order, are to be let alone, still to enlarge themselves and to extend and fester. The security which society derives from the periodical purgation of the courts is withdrawn, and legal responsibility for bad conduct thus being suspended, the law is no longer a terror to evil-doers. It ceases also to be a protection to the weak and humble, whose rights may be intruded upon, and who cannot protect themselves.

In addition to these general considerations, which effect the rights of all citizens, and concern the order and well-being of society, there is a special reason why the court should be held, which addresses itself with peculiar force to the Legislature. It is the only power that can counteract the consequences of the accident or mistake of drawing the jury at the wrong time. Immediately after the election of a Senator to the United States Congress, and on the day that it was proclaimed that J. J. Patterson had been chosen, certain members of the House of Representatives preferred charges of bribery against him, sustained by affidavits. The proceedings took place before a Trial Justice, and the recognizances to appear were duly entered and made a record upon the books of the Clerk of the Court. The affair made a great noise all over the country, and not only are the honor and character of the accused party involved, but those of the Legislature itself. It is bound, in some way, to sustain the charge of its members, if they are true, or brand them as false, if they are false. It is bound to defend itself from the taint of the accusation of an impure election, or to have the stigma indelibly fixed upon it. It should be more unwilling than the community outside, to leave this case as it stands, undetermined and untried. We should think that the parties interested, those making the accusation, and who are charged with falsehood in doing it, as well as the accused, would regard it as vital to their integrity to have the matter sifted to the bottom without delay. We do not undertake to prejudice the case one way or the other. We only insist upon the trial, and in doing so we only repeat what we demanded at the time. It is due to the parties, it is due to the State and the General Assembly, it is due to public opinion, and it is due to equity and justice.

What, then, should be done? The General Assembly should pass a resolution ordering the court for Richland County to be held, and directing the drawing of a jury forthwith. It has the power to do it, and the necessity, based upon both general and special grounds, needs no further demonstration than the statements which we have made, as to the wrong and the possible bad consequences which may follow a suspension of the court for so long a time, and the dissipation of presentation which we have likewise made of the affair of the Senator elect. Some member from Rich-

land ought to move in the matter at once.

Another Shriek from Kansas.

We all remember "bleeding Kansas," and the contest about peopling it when a territory, and the exclusion of Southern men from it, because they were slaveholders. Pious persons, like Henry Ward Beecher, led the crusade, and subscribed the rifles and funds which should be, and were, used to keep them out. It was settled under such unhappy influences as these, and the crop of character, and the tone among the public men, correspond to the original seeds thus planted in the soil. They have reached the highest heights, or the lowest depths, as you may choose to regard them, of legislative bribery and corruption. Caldwell, who bought off his rival Orney, as the latter testifies, for \$15,000, and whose case is yet before Congress, is from bleeding and shrieking Kansas. Another venerable sinner, who has shone resplendently in Washington society, as Senator from Kansas, is S. C. Pomeroy. He came confidently before their Legislature, last week, for re-election. He was a little damaged, or recommended, we hardly know which, by a corrupt letter to a Mr. Ross, relating to profits in Indian goods. He denied the authenticity of this document, however, and went in to win. On the first ballot he ran ahead of all competitors. It became necessary for the opposition to resort to an extraordinary ruse to circumvent and defeat him. Mr. York, a Senator from Montgomery County, was selected to act as the decoy. He visited Pomeroy's rooms, in the dark and secret recesses of the Taft House, and bargained away his vote for \$8,000—of which \$2,000 were paid that night, \$5,000 the next afternoon, and \$1,000 more were promised to be paid when the vote should be cast in his favor. The denouement came dramatically, by Senator York's exposure of the whole thing, and placing the money upon the chief clerk's desk. He demanded that Pomeroy's actions in the contest be thoroughly examined, and the corruption money which he had just deposited be the instrument of retribution in prosecuting the investigation. He added:

"The statements I have made are but partial and incomplete. The hour or two that I passed, in the den of infamy, in the Taft House, let in upon my mind such a flood of enlightenment as to the detestable practices of the Kansas politician, that I have no words in which to express the knowledge I gained of the depth of degradation a pure Republican Government has reached. The disclosures then made to me implicate some of the most prominent and respectable men in Kansas. I learned from Mr. Pomeroy's lips that his spies and emissaries were working in our caucuses to sell us out."

His followers all collapsed. There was none so poor as to do him any more reverence, or to give him a vote. What they did with his money in their pockets, is an unexplained mystery. Poor Kansas! she still bleeds, or is bled.

Another venerable blow-hard comes to the front with contaminated fingers. General Shoot-him-on-the-spot Dix, whose revered aspect reminds one of the old fellow in the Vicar of Wakefield, who talked theology to Dr. Primrose and traded a lot of green spectacles to Moses in exchange for the pony. Horace Clark, President of the Union Pacific Railroad, states that while General Dix was Minister to Paris he received \$50,000 from the railroad company, in consideration of which sum he was to negotiate the bonds of the road in France. It was disgraceful for an American Minister to engage in a transaction of such a nature. It was a compromise of his official dignity and honor to engage in a bond brokerage. But Mr. Clark says that he not only took the \$50,000 and held on to it, but did not negotiate the bonds. Not satisfied with this juicy plum, he extorted \$25,000 for two months' services as President of the Erie Railroad, which was at the rate of \$150,000 a year. He seems to have been in a fair way to rival Jay Gould and Jim Fisk as a globler of railroad money. This man is the model Governor of New York, whose holy hands are to sprinkle a sanctimonious dew of purification over the places profaned by the wickedness of his predecessor. Who comes next?

Mr. Cowles introduced resolutions into the North Carolina Legislature, last Monday, in denunciation of the bribery, frauds and perjury connected with the "Credit Mobilier," and expressing indignation and regret at the corrupt practices prevailing in Congress. They call for the trial and exposure of the guilty conspirators against the honor of the country and their expulsion from the high places which they disgrace. A good example. It ought to be followed.

A truly good legislator of Georgia has introduced a bill making profane swearing a penal offence.

Convention in Georgia.

An Agricultural Convention is to be held in Augusta, on the 13th instant. Delegates have also been invited from the Cotton States and some Northwestern cities, to consider the subject of immigration. It would be well, we think, if our Board of Trade and State Agricultural and Mechanical Society should send representatives. We notice that the Charleston Board of Trade has appointed a large and influential delegation.

County Court House.

We observe that Mr. Lowery, a member of the House of Representatives from Chesterfield, has presented a protest from some of the citizens of Columbia, against the appropriation by the Legislature of any sum for the building of a Court House. A bill has been framed, in conformity with the directions of the County Commissioners, to levy a tax on the County of three mills, to be collected in two years, one and a half each year, to raise a fund for such Court House. The facts are, as we understand, that the Commissioners have sold the old Court House ground, and brick of the old building, for \$25,000, and after purchasing a new lot, have at their command about \$20,000 for the new building. This is enough, in all conscience. We assure the Legislature that we have had taxes enough, and that no more are needed to raise the fund required. The Commissioners have a plenty in hand.

THE HARVEST OF THE GALLOWES TO BE GATHERED AT LAST.—From several sources come indications that at last the gallowes is likely to gather in its legitimate fruit; that the long-delayed justice is about to stretch forth its hand and fasten its deadly grip on the throats of the assassins who now choke up the cells and passages of the Tombs. First, we have the charge of Judge Brady to the grand jury of the Oyer and Terminer, in which the evil effects of delay in the prosecution of criminal justice is set forth, and the jury is told that "if necessary, all the power of the State should be brought to stay the hand of crime." The Judge comments on the free and reckless use of the knife and the revolver, and declares his readiness to sit continuously until July, if necessary, to clear the city prison of the criminals whose long exemption from paying the penalty of their offences is an encouragement to the ruffians whose rule has continued too long in this city. Next we find the cheering news that the stone is at last to be rolled back from the Tombs, and that Murderers' Row is to give up its vile tenants to justice. John Scannell, who, after hanging on the track of Thomas Donohue for months with murder in his heart, at last shot down his helpless victim in a saloon, and poured bullet after bullet into his prostrate form, is to be put on his trial on Monday next. The following Monday the dastardly William O. King, who took the life of O'Neill because the latter testified to King's abuse of his wife, is to be placed at the bar. The Stokes case is still under argument, and the probability appears to be that the polished assassin who waylaid his victim in a narrow passage way, from which there was no escape, and in which he could be shot down as easily as a rat in a trap, will be left to meet the fate his cowardly murder merits. Thus the chain is tightening around the crowd of blood-stained wretches now hanging on the public hands, and soon, let us hope, to hang upon the gallowes.

In addition to this gratifying intelligence, we learn from Albany that Governor Dix has refused to commute the punishment of the murderer Gaffney, who now awaits execution in Buffalo, and that he accompanies his refusal by a decisive declaration of his intentions in like applications. "If the expression of my purpose in similar cases," says the Governor, "will have the effect of deterring evil-minded persons from committing this highest of crimes, I am willing to have it understood that circumstances of a very extraordinary nature will be needed to induce me to interpose for the purpose of annulling the deliberate and well-considered determinations of juries and courts." These words are well spoken, and will strike terror to the hearts of those criminals who have entertained a hope for Executive clemency. The convicted murderers may as well shut out hope from their hearts and prepare to meet their Creator. The assassins who wait trial may as well make up their minds to receive stern justice at the hands of judge and jury. The yarn is spun that will hang them all, and their well-merited fate will be a warning to ruffians for a long time to come.

[New York Herald.]

OUR COUNTY AUDITOR OPENLY DERELICT IN HIS DUTY.—The law of the State requires that the jury Commissioners shall list a jury during the month of January. The month of January has passed and no jury list has been presented; and now, unless the present Legislature come to our relief and pass an Act or joint resolution enabling the commissioners to list the jury hereafter, we will be debarred from holding any court this year for the trial of jury cases. A suspension of this important and indispensable tribunal of public justice would work a great public wrong, and would be an especial hardship upon many prisoners now confined in our jail, awaiting trial at the March term of the court. And it is but just to state that the present prospect of the deplorable blockade of our courts is due solely to the absence of the County Auditor McDevitt, the other members of the board having been present at the appointed time, and anxious to discharge their duty.—Edgefield Advertiser.

Mr. FERRIS: The bill to give the citizens of Barnwell County the privilege of voting and saying whether they desire to return the County site to Barnwell village, or allow it to remain at Blackville, or at any other place outside the old seat of justice, had its origin in the popular branch of the General Assembly, and passed that body without a dissenting voice, which brought a gentleman or so from Blackville, with a little money. They went to work, and very soon it came to light that the movement in contemplation, as to removing the Court House from Blackville to the original place, where it had been ever since old Winton County was divided into Orangeburg and Barnwell Districts, was now in reality but a "Democratic dodge" to "gain a victory" over the Republican party of Barnwell County, forsooth! That "two or three lawyers" had "laid their heads together," in order to "rehabilitate the deserted village" with its early ensigns of prosperity and law.

Now, gentlemen of the Legislature, don't avert your countenances from this measure of justice—not only to the villagers of Barnwell, whose fathers and grand-fathers settled there, bought land and house-lots, erected "saw-mills," and grist-mills, too, and sold salt fish and ochees—yaa, and whiskey and tobacco—at as small per centage as they are exchanged at Blackville; but that these fathers and grand-fathers paid high prices for these lots and lands, and went there to educate their families and hear the Gospel preached; that they did so on the faith and credit of the State, in declaring, by law, that that place should be the site of Barnwell Court House. The people of the County have, ever since its removal, been emigrating—going away—until now, no schools of any character are kept up, and the deterioration of real property there is very great, and all this by moving the County site from where it had been legally established to the North-west corner of the County, ten miles from the village of Barnwell, over the most hilly and sandy road in the State, unless it be the road from this Capital to Lexington Court House.

But we don't intend to let the Daily Union have the "why" on us. What is it to you, Mr. Carpenter, that citizens of Barnwell want their County site in the centre of their geographical section? How much will the removal back to Barnwell village increase your taxes? "A Court House has been erected at Blackville at great expense to the County," you say. What do you care about the expenses of the people of Barnwell? Do we hear your husky voice saying anything of the "great expenses" to the people of the State caused by heavy appropriations for Columbia improvements? You know the very bricks that made the Blackville Court House were hauled from the Court House at Barnwell, and that C. P. Leslie sold any quantity of them on the road during their removal, and after their arrival at Blackville, to A B and C. You know very well that the removal of the County site from Barnwell to Blackville was a bastard, illegitimate act of legislation, and has ever since been sustained by dirty tricks and inferior cunning, unworthy of any good heart or conscience sworn to do its duty to the country and support the Constitution and good faith of the State Government towards the good people of the State. "You and Leslie had nothing in common" but a malicious hatred to the decent people of that devoted place and their vested rights and privileges under the law and good faith of the Legislature when it established the County site there. The latter (C. P. Leslie) has left there, and those "few lawyers" who may have offices there, "will never look for you 'to make one in their midst,'" after showing your fangs, through your columns, with so little of sincerity or good will. You say you have "no special interest in this matter beyond securing the Court House at the most eligible place." Ah, hal! But, Mr. Carpenter, you are catechising a good deal, and seem to be well posted on the cost of an election, "directly or indirectly," as to dollars and cents, and ask "why was the election not held last fall?" You know such an election, if unauthorized, would have no force, and, properly, because if similar elections could be held at any time by the people at a general or other election, without the sanction of the Legislature, there would be no stability or permanently established Court House in the State. "Why spring this matter now," say you, "when the people supposed the whole matter settled?" Will you please inform me, what people? Mr. Simon Brown and Mr. Lartigue; two out of 3,500 votes!

There is a clear majority of 2,000 votes in the Republican party over the Democratic party in Barnwell; and the Republican party, the entire Democratic party, and them "few lawyers" who may have offices there, besides, are all of them anxious for the re-establishment of the Court House at Barnwell village, the Daily Union and the Carpenter to the contrary notwithstanding. They give the "Democrats in the Senate great credit for the skillful manner they worked the measure through that body;" "but," says he, "I trust the House will give the matter due consideration, if it goes back to that body."

Now, all of the Democracy in the Senate is only seven votes, and the Republican strength was twenty-six; while in the other co-ordinate branch of the General Assembly, out of 125 votes, the Republicans will have ninety-eight or more, and there will only be about from seven to twenty of the Democrats. Yet such was the general good-will of the Representatives, that this very bill is recommended to the "due consideration of this latter body" by the Carpenter and the Daily Union. "Is this the builder's son?" "Is this the stone the builders rejected?" And for what? That the House may take the hint, and continue to punish them few lawyers who may have offices in Barnwell village; and to accomplish this revenge, the 2,000 Re-

publican majority and the Democrats and them few lawyers must travel ten miles beyond the centre of the County, to within six miles of the Edisto River, the dividing line between Orangeburg and Barnwell Counties, and twenty-five miles from Savannah River; the dividing line between Barnwell and the State of Georgia, and pay tribute to saw mills and stores of Blackvillians.

BEWARE.

THE CASES OF STOKES AND TWEED—HOW JURIES ARE MANAGED IN NEW YORK. The New York Herald gives the substance of an interview with Mr. Lyman Tremain, on the Stokes and Tweed cases, which puts them in an interesting light. Referring to the Tweed case, Mr. Tremain said the ring still remained in power in New York, by reason of the laws already passed in their interest, and the present mode of summoning jurors made a mockery of justice.

In 1870 the ring passed a law making the commissioner of jurors the exclusive judge as to qualifications of jurors. The ring desired Stokes' conviction, and jurors, remarkable for intelligence and character, were drawn. The reverse of this is true in Tweed's case. Of this jury one had served a year in the penitentiary, another was a worthless loafer about the city, and was provided a new suit of clothes for the occasion, and a third had openly boasted that he could make a good deal of money if he could get on the Boss' trial.

Mr. Tremain added that seven of the jury were for acquittal and five for conviction. He mentioned the fact that of the 100 men summoned on the Tweed panel, only twenty-nine appeared, from which number the principal portion of the jury was drawn. The remainder subsequently appeared before the court and showed that they never had been summoned at all, and they were all accordingly excused from fines. These latter were all remarkable for their intelligence and respectability. All officers who have anything to do with obtaining juries are personal and political friends of Tweed, and it was through their manipulations that the jury was packed for Tweed's trial. Efforts to interview the jurymen in Tweed's case, on Friday night, were but partially successful. They said that they had taken a solemn oath, administered by one of them, not to divulge the secrets of the jury room. The prosecution have information that some of the jury had been tampered with, and it is probable will take suitable action thereon.

Tweed on Friday night said his trial was merely a political one; that they would never get a jury to convict him, and he was tired of the business.

Judge Davis denied the motion of a new trial of Tweed, yesterday, on the ground that the term of the court expires in a few days, but intimated that counsel for the prosecution could move for a trial on Monday next. This ends, for the present, the prosecution of Tweed.

The Atlanta letter of the Savannah Advertiser has this about Joe Brown and Toombs: A singular and amusing incident occurred on yesterday afternoon. Just about dusk General Toombs and John I. Hall, Esq., were conversing in front of the Hi Kimball, General T. standing with his back to the street. In a few minutes the carriage of Governor Brown dashed up with the Governor. He immediately stepped out. The crowds about the front of the hotel hushed their talk and looked on with bated breath as the two lions neared each other. There was no tearing of manes, no ripping of hides, no crunching of bones. The ex-General did not see the ex-Governor. The latter grasping Hall with his left hand at the same time extended his right and took the hand of General Toombs, and a shaking commenced all around. As Governor Brown spoke, General Toombs turned. Governor Brown at once observed: "I took you for Judge McCay." General Toombs replied: "A mutual mistake, sir," and the interview closed. As Hall is generally regarded as the Mephistopheles of Georgia politics, who has dazed every one, even to his Excellency, with the rapidity and variety of his movements, there is a suspicion that his fertile ingenuity put up this little play in order to open the way for a reconciliation between two avowed strangers. Who knows?

THE TRUE BASIS OF SUCCESS.—Fallacies and frauds are short lived. They may flourish for a little while, but the sober second thought of the people condemns them and they perish. It would take even the "Lightning Calculator" a long time to count the imitations and counterfeits of the supreme tonic of the age, Hostetter's Stomach Bitters, that have been brought out since the first introduction of that celebrated remedy. They have collapsed one after another, but the great vegetable preventative and curative is still on its disease-conquering march. At this season, as the air becomes more and more chilly, and searching vapors affect the integuments and create unwonted pains in the stomach and bowels, it is of the utmost importance to tone and regulate the system so as to enable it to bear up against the ungenial temperature which produces these disturbances. Fever and ague, rheumatism, biliousness, nervous prostration, costiveness and chronic indigestion are a few among the many disorders which yield readily to this famous restorative.

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Miss Minnie Christy, aged twenty-two, has been elected engraving clerk of the Missouri Senate, but Miss Belle Finlayson, aged thirty-two, a candidate for the same position in the House, was defeated by W. F. Moore, an ex-rebel soldier. So much for a difference of ten years in the age of the two aspirants.

A colored alderman of Galveston is not ashamed to be seen carrying his saw and buck through the streets.

Local Items.

ORTY MATTERS.—The price of single copies of the PHOENIX is five cents.

Accounts due the PHOENIX office must be settled promptly, as further indulgence cannot be given. We must have money to carry on business.

Old newspapers for sale at PHOENIX office, at fifty cents a hundred.

The latest styles wedding and visiting cards and envelopes, tastily printed, can be obtained at the PHOENIX office.

The PHOENIX is in receipt of a lot of printer's copying ink. It serves the purpose of ordinary copying ink, and is invaluable to railroad officials and others who have much printed matter to copy. The cost of printing done with this ink is but little more than with the ordinary ink.

See the card of Dr. J. W. Parker. He offers to sell real estate located in different sections of the State.

After two or three pleasant days, muggy weather set in yesterday. There was no material objection to the rain, but the fog was ruled out of place.

Javan Bryant, ex-Representative from Spartanburg, has been tendered the position of postmaster at that place, and probably has, ere this, been appointed.

St. Valentine's day falls on Friday this year. "Love-sick swains" look forward to it with interest.

A. Shaw, Esq., of Wilmington, N. C., has been appointed master of transportation of the Wilmington, Columbia and Augusta Railroad, and has entered upon the discharge of his duties.

The following is the programme of the 18th Infantry Band, this afternoon, at 4 o'clock:

Guard on the Rhine Quickstep—Bach. Selection from Ernani—Rossini. Royal Oirque Quadrille—Wade. Overture Caliph de Bagdad—Baudien. Coeur About Polka—Yikoff. Flying Cloud Galop—Goeiz.

MASQUERADE.—Many of our citizens will bring to mind the enjoyable occasion provided by Gaze Lodge, I. O. O. B., No. 168, last Parim. We have the satisfaction of announcing that at the request of many of the participants in the first, a second masquerade ball will be given next month. The pleasures of the occasion will be increased and varied by the addition of the regular ball dress feature, giving to the visitor the choice of masquerade or ball dress. The ball will be given on the night of the 13th of March, which, in the Hebrew calendar, is the 14th of Adar, being the celebration of Purim, or the Feast of Esther.

PHOENIXIANA.—There are 200 bones in the human body. An end-man in a negro minstrel troupe has sometimes 204.

An economical gentleman has had the grate in his sitting-room furnished with a fire-board, on which a celebrated artist has painted with admirable skill a blazing fire, which warms with the look of it, and does not require to be replenished.

Angora cats, which used to be common drawing-room pets in the days of our grand-mothers, are said to be coming into fashion again. They are valuable in proportion to the pure whiteness and the length of their silky hair, and their purr is softer and more musical than that of the ordinary cat.

A chiropodist is honest enough to tell his patients that the surest way of preserving the feet from corns and bunions is to have at least one pair of shoes for every day in the week. He always recommends to visitors a particular shoemaker, in whose business it is reasonable to suppose he has an interest.

A dentist wishes to know whether the barber-surgeons of old did not use wise saws for cutting wisdom teeth, but says that there are certainly no modern instances of it on record.

Wise sayings often fall to the ground, but kind words never die.

MAIL ARRANGEMENTS.—The Northern mail opens 6.30 A. M. and 3.00 P. M.; closes 8 P. M. and 11.00 A. M. Charleston day mail opens 6.15 P. M.; closes 6 A. M.; night opens 7.00 A. M.; closes 6.15 P. M. Greenville opens 6.45 P. M.; closes 6 A. M. Western opens 6.30 A. M. and 12.30 P. M.; closes 8 and 1 P. M. Wilmington opens 3.30 P. M.; closes 10.30 A. M. On Sunday the office is open from 3 to 4 P. M.

LIST OF NEW ADVERTISEMENTS. J. W. Parker—Real Estate Broker. R. M. Wallace—Bankruptcy Notice. Meeting Board of Trade. James Cantwell—Hay.

PRESENCE OF MIND.—The presence of mind of some men is most remarkable. Now, there is that man who dined at an Atlanta hotel recently. He mistook the horse radish for some other toothsome dish, and plunged into it with an avidity cheerful to behold. After having appropriated a spoonful to his own use, he suddenly paused, and seemed to be deliberating profoundly upon some subject or other. Then he gave a snort, and remarked, in a sort of intense manner, "Blaze, d—n you!" Few men would have had the presence of mind to make that speech.

[Commercial Advertiser.]